



## FREDERICK COUNTY GOVERNMENT

Jan H. Gardner  
County Executive

### OFFICE OF THE COUNTY EXECUTIVE

Raymond V. Barnes, Jr., Acting Chief Administrative Officer

**TO:** County Council

**FROM:** County Executive Jan H. Gardner *JHG*

**DATE:** February 27, 2018

**SUBJECT:** Comments Regarding Amended Bill 17-18, Development Rights and Responsibilities Agreements

These comments concern Bill #17-18, as amended by the Council at their meeting on February 20, 2018.

The original Bill, as prepared by the administration and approved for introduction by the Council on December 5, 2017, addressed current shortcomings of the current Development Rights and Responsibilities (DRRA) section of the County Code. As initially proposed, the administration's bill limited use of the DRRA option to residential projects of 1500 housing units or more, established the requirement for enhanced public benefit, specified the future laws and fees that would apply to a project with a DRRA, and, limited DRRAs to a 5 year term with a 5 year extension.

Since its initial presentation, in hearings with the Council, the administration provided information and justification for the changes in the current code.

The amended Bill #17-18, as approved by the Council on February 20, 2018 and which is the subject of the public hearing on February 27, 2018, eliminates the proposed modifications to the current DRRA code as noted above. Instead amended Bill #17-18 proposes elimination of that section of the County Code (Section 1-25) referencing the County Code. In effect, there would be no option in the future for new DRRAs to be approved.

The administration does not object to the goal of the Bill as proposed by the Council. However, the approach to accomplishing the goal (elimination this section of the County Code) should be given a thorough legal review. In particular, the elimination of this section of the County Code and its impact on currently approved DRRAs should be clearly understood prior to action on the part of the Council.

We recommend no action on this amended bill prior to comment by the County Attorney's office.

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